

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of August 29, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Applicants have cancelled Claims 14-38. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

In the Office Action, Claim 18 was objected to due to an informality. Specifically, Claim 18 is dependent upon Claim 17, which has now been canceled. Claim 18 has been cancelled.

Double Patenting

Claims 1, 2, 4, 5, 7-9, 11, 14, 26, 27, 30, 32-34, 36, and 37 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-3 and 6-16 of U.S. Patent 7,289,989.

A terminal disclaimer signed by a registered attorney or agent of record is submitted herewith.

Allowable Subject Matter

Claims 1, 2, 4, 7-9, 11-14, 16, 18, 19, 21, 22, 26, 27, 29, 30, and 32-34 were deemed to be allowable, if a timely filed terminal disclaimer in compliance with 37 CFR 1.32(c) or 1.321(d) is filed.

Appln No. 10/706,177
Amendment dated October 9, 2008
Reply to Office Action of August 29, 2008
Docket No. BOC9-2003-0046 (417)

A terminal disclaimer in compliance with 37 CFR 1.32(c) or 1.321(d) is submitted herewith.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: October 9, 2008

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